

Assembly Bill No. 735

CHAPTER 101

An act to add Section 1091.3 to the Government Code, relating to children and families programs.

[Approved by Governor July 25, 2001. Filed with
Secretary of State July 25, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 735, Chan. Conflicts of interest.

The California Children and Families Act of 1998 requires that the California Children and Families Program, established by the act, be funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund Account, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, the California Children and Families Commission, with specified powers and duties and also requires that funds in the account be distributed by the commission to those counties that elect to participate in the program by creating county commissions and meeting other criteria.

Existing law prohibits certain state and local officers and employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members, and prohibits any state, county, district, judicial district, and city officers or employees from being purchasers at any sale or vendors at any purchase made by them in their official capacity.

This bill would specify that this prohibition does not apply to any contract or grant made by local children and families commissions created pursuant to the California Children and Families Act of 1998, except in certain circumstances.

The people of the State of California do enact as follows:

SECTION 1. Section 1091.3 is added to the Government Code, to read:

1091.3. Section 1090 shall not apply to any contract or grant made by a county children and families commission, created pursuant to the California Children and Families Act of 1998, (Division 108

(commencing with Section 130100) Health and Safety Code) except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

